

## **REMARKS**

The Final Office Action mailed November 27, 2009 has been reviewed and the comments therein were carefully considered. Claims 106-108, 110, 112-116, 119-121, 124, 125, 127, 129 and 144-148 are pending in this application. Claims 106-108, 110, 112-116, 119-121, 124, 125, 127, 129 and 144-148 are rejected. Claims 109, 111, 117, 118, 122, 123, 126, 128 and 130-143 were previously cancelled. Through this Amendment, claims 106, 108, 113, 116, 120, 125, and 144 are amended. Claims 149-155 have been added. No new subject matter has been added.

### **Interview Summary**

This Interview Summary is filed in relation to the Examiner Interview conducted on February 3, 2010 via telephone. Applicants wish to thank Examiner Nguyen for his time during the Examiner's interview, during which the pending objections and rejections were discussed. Possible claim amendments were also discussed. Applicants indicated that the amendments would be submitted in a written response accompanied by a Request for Continued Examination. The amendments are presented in this Amendment for the Examiner's consideration.

In regards to the objections, the recitation of "diffractive optical element" within the claims was also discussed. Examiner Nguyen kindly suggested that amendments to the specification would preferably recite "diffractive optical element" in relation to one of the figures, such as FIG. 1. Through this Amendment, paragraphs 10 and 122 have been replaced with text that recites "diffractive optical element." Specifically, paragraph 122 has been replaced with text that discussed the "diffractive optical element" and other structures in relation to exemplary element 10 shown in Fig. 1.

Applicants wish to thank Examiner Nguyen for spending the time preparing and conducting the interview.

### **Objection to the Specification**

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Through this Amendment, paragraphs 10 and 122 have been replaced with text that affirmatively recites "diffractive optical element" as suggested by the Examiner. Applicants respectfully submit that support for the amendments may be found in, at least,

originally filed claims 6 and 14, and prior paragraphs 10 and 122, among other locations throughout the specification.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the objection.

### **Objections to the Claims**

Claims 106, 108, 113, 116, 125 are objected to because of certain formalities.

Through this amendment, Applicants have amended claims 106, 108, 113, 116 and 125 as requested by Examiner at page 4 of the Office Action dated November 27, 2009. Applicants respectfully submit that the amendments more readily convey the recited subject matter already recited in the claim and, thus do not restrict the scope of the claim. In this regard, the claims amendments should not be interpreted as attempts to narrow the scope of the claims, such as for example, in view of the art of record.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the objection with regards to claims 106, 108, 113, 116, and 125. As explained in more detail below, Applicants respectfully submit that the claims 106, 108, 116, and 125 (as well as the remaining pending claims) are allowable over the art of record and, therefore respectfully solicit a finding of their allowance.

### **Claim Rejections under U.S.C. §112**

Claim 108 is rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. Through this Amendment, Applicants have replaced the term “the assembly” with “one of the plurality of different optical assemblies.”

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection with regards to claim 108. As explained in more detail below, Applicants respectfully submit that claim 108, as well as the remaining pending claims, are allowable over the art of record and, therefore respectfully solicit a finding of their allowance.

### **Claim Rejections under U.S.C. §102**

Claims 106, 110, 112, 113, 116, 119, 125, 127, 129, 144-146, 148 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida et al. (U.S. Patent 6,690,417), hereinafter Yoshida. Applicants respectfully request reconsideration in view of the Remarks below.

Applicants respectfully submit that Yoshida, either alone or in combination with any art of record, does not teach, disclose or suggest at least the “optical properties changing unit” of independent claims 106, 112 and 120, the “optical properties changing means” of independent claim 144, or the method reciting a “optical properties changing means” of independent claim 125. For example, independent claim 106 recites:

an optical properties changing unit integrated into a part of the housing including functionality of moving to cooperate with the lens module of the camera system so as to enable taking pictures using the camera system with changed optical imaging properties

For at least this reason alone, Applicants respectfully request reconsideration and withdrawal of the rejection with respect to independent claims 106, 113, 120, 125, and 144. Because claims 110, 112, 116, 125, 127, 129, 145-146, 148 ultimately depend from independent claims 106, 113, 120, 125 or 144, Applicants respectfully submit that they are allowable for at least the same reason. Likewise, new claims 149-155 also depend from independent claims 106, 113, 120, 125 or 144, Applicants respectfully submit that they too are allowable for at least the same reason that the independent claims are allowable.

Claims 120, 121, 124 and 147 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang (U.S. Patent Publication 2002/0155864), hereinafter Wang. Applicants respectfully request reconsideration in view of the Remarks below.

Claims 120, 121 and 124 depend from independent claim 120. As discussed above, independent claim 120 recites an “integrated optical properties changing unit includes functionality of moving to cooperate with the lens module of the camera system so as to enable taking pictures using the camera system with changed optical imaging properties.” Applicants respectfully submit that Wang, individually or in combination with any other art of record, fails to teach, disclose or suggest such an “integrated optical properties changing unit.” Therefore, for at least this reason alone, Applicants respectfully request reconsideration and withdrawal of the rejection.

### **Claim Rejections under U.S.C. §103**

Claims 107, 108, 114, 115 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida in view of Suda et al. (U.S. Patent 6,373,524), hereinafter Suda. Applicants respectfully request reconsideration in view of the Remarks below.

Claims 107 and 108 depend from independent claim 106. Likewise, claims 114 and 115 depend from independent claim 113. As discussed above, independent claims 106 and 113 recite an “integrated optical properties changing unit.”

Applicants respectfully submit that neither Yoshida nor Suda, either individually or in combination with any other art of record, teach, disclose or suggest such an “integrated optical properties changing unit.” Therefore, for at least this reason alone, Applicants respectfully request reconsideration and withdrawal of the rejection.

### **CONCLUSION**

The Applicant respectfully requests consideration of the application and allowance of all pending claims. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,  
**BANNER & WITCOFF, LTD.**

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